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**Legislative Decree No. (25) of 1998 regarding Private Educational and Training Institutions**

We, Isa bin Salman Al Khalifa, Amir of the State of Bahrain.

Having reviewed the Constitution;

Amiri Order No. (4) of 1975;

Legislative Decree No. (14) of 1985 regarding Private Educational Institutions;

Legislative Decree No. (23) of 1976 promulgating Labour Law in Private Sector and the laws that amend it;

And Decree No. (20) of 1975 Establishing the Supreme Council for Vocational Training, amended by Decree No. (1) of 1978;

And after consulting the Supreme Council for Vocational Training,

And upon the submission of the Minister of Education and the Minister of Labour and Social Affairs,

And after consulting the Shura Council,

And after the approval of the Council of Ministers,

**Hereby Decree the following Law:**

**Definitions and Objects of Private Educational and Training Institutions**

**Article - 1 -**

In applying the provisions of this Decision, the following words and expressions shall have the meanings assigned to them below:

**1) Private Educational Institution:**

It is every non-governmental educational institution that undertakes teaching, education and cultural development under the supervision of the Ministry of Education, irrespective of the nationality of its owners. It is of three types:

**a) National Educational Institution:**

It is an institute, school, educational centre or nursery school that is established and financed by Bahraini natural persons or ct9rporate entities, or in association with non-Bahraini natural persons or corporate entities, for the purpose of education and cultural development on the basis of the national curricula or based on the curricula approved by the Ministry, under its supervision, and which primarily cater to Bahraini students.

**b) Foreign Educational Institution:**

It is an institute, school, educational centre or nursery school that is established and financed by persons or an association from the foreign organizations existing in the state of Bahrain, or in participation with Bahraini natural persons or corporate entities, for the purpose of education and cultural development in accordance with foreign curricula and educational supervision, and awards certificates of the country of origin which is an extension thereof and which primarily cater to foreign students.

**C) Foreign Community's Educational Institution:**

It is a school or nursery school established and financed by foreign communities in the State of Bahrain for the purpose of educating their children only.

**2) Private Training Institution:**

It is every non-governmental institution carrying on a training activity, that is established and financed by Bahraini natural persons or corporate entities, or in association with non-Bahraini persons or establishments, or established by a foreign organization existing in the State of Bahrain or elsewhere, in participation with Bahraini natural persons or corporate entities, or a foreign institution fully owned by non-Bahrainis, for the purpose of training to engage in a specific occupation, improve skills, enhance capabilities or boost productivity under the supervision of the Ministry of Labour and Social Affairs.

**3) Vocational Training:**

It is the practical and theoretical methods programmes and activities, including conferences, seminars and workshops which provide workers with the opportunity to improve their information and skills for the purpose of enhancing their productivity or to provide them with capabilities to qualify them for a certain occupation or transfer them from one occupation to another.  Such training is conducted either as an in-house activity or at institutes or centres and other training facilities which are designed for this purpose. It includes preliminary training, advanced training and re-training irrespective of its level and the method of providing it.

**4) Nursery Schools:**

They are institutions which cater to children who are not more than three years of age for the purpose of providing them with child care services.

**5) Ministry:**

The Ministry of Education or Ministry of Labour and Social Affairs, each in its respective capacity.

**6) Minister:**

The Minister of Education or Minister of Labour and Social Affairs, each in his respective capacity.

**7) Joint Committee:**

The joint Committee comprising representatives of the Ministry of Education and the Ministry of Labour and Social Affairs.

**Article - 2 -**

The provisions of this Law shall not apply to:

1. Educational and training institutions affiliated to government ministries, bodies associations and public organizations.

2. Educational and training institutions established by commercial or industrial establishments, etc. for their employees for the purpose of educating and training them on what is necessary for their work, unless such establishments engage in commercially oriented activities.

3. Nursery schools under the supervision and control of the Ministry of Labour and Social Affairs for which an order shall be issued by the concerned minister organizing them and specifying their licensing requirements.

**Article - 3 -**

The objectives of private educational and training institutions shall include the following:

1. (a) Contributing towards the spread of education in the State of Bahrain, expanding it and enhancing its quality and developing a student scientifically, vocationally, culturally and socially, while emphasizing the national identity of the Bahraini student.

(b) Training institutions shall also contribute towards disseminating training and providing opportunities for qualifying trainees in the State of Bahrain, expanding it and enhancing its quality for taking, or improving, specific occupations with due regard for the national identity of the Bahraini student.

2. Linking education and training policies with the State's educational, training and human resources development polices.

3. Enhancing the productivity of the student or trainee, improving his skills and performance, strengthening and developing his work ethics and values, tapping his creative potentials and developing his innovative capabilities and providing them with care, observation and follow -up.

4. Improving methods and means of education and training and programmes thereof.

5. Contributing towards achieving a better understanding of technological and scientific issues.

**Establishment and Management of Private Educational and Training Institutions**

**Article - 4 -**

No private educational or training institution may be established before obtaining a licence therefore from the concerned ministry in accordance with the requirements and procedures laid down and provided for in this Law.

**Article - 5 -**

An applicant to obtain a license for a private educational or training institution should fulfill the following conditions:

1) If the applicant is a natural person:

A) He must not be less than 25 years of age.

B) He must be fully competent and of good conduct, and final court judgments should not have been passed against him in a felony or misdemeanour affecting his honour, integrity or public morals, unless he has since been reinstated.

C) He must have at least the General Secondary School Certificate or its equivalent.

D) He must be capable of financing the setting up and continuation of the private educational or training institution in pursuance of the standards and guarantees prescribed and laid down by the ministry.

E) He must not be a civil servant or an employee of public organizations or private institutions.

However, subject to an order to be issued by the competent minister, an applicant may be exempted from Paragraph (c) in respect of private training institutions.

**2) If he is a corporate entity:**

In this case, the applicant shall appoint a representative for him towards third parties, who shall fulfill the foregoing conditions except for the stipulation under Clause (c), provided that he must specify in his application the source of finance for the private educational or training institution and his ability to maintain such finance.

**Article - 6 -**

A joint committee shall be formed comprising officers from the Ministry of Education and the Ministry of Labour and Social Affairs to examine licensing applications to establish private educational and training institutions, and the joint order by the two ministers shall be issued forming them and organizing their affairs.

This committee may seek the assistance of whoever it may deem necessary from among the concerned and competent persons.

**Article - 7 -**

1) Applications to obtain a license to establish a private educational and training institution shall be submitted to the joint Committee to discuss them by examining the practical and theoretical curricula, programmes and methods of the educational or training institution to ensure that the conditions and specifications stipulated by this Law are complied with. The Committee shall refer the applications to the competent ministry accompanied by a report containing its opinion on accepting the application or rejecting it, and the reasons therefore.

2) The component ministry shall advise the applicant of accepting or rejecting his application by a registered letter with a delivery note within sixty days from the date of filling it. The lapse of this period without advising the applicant of the action taken on his application shall be considered as a rejection thereof.

The decision taken rejecting the application for a license shall be substantiated. Whoever has his application is rejected, either expressly or implicitly by not being answered, may file a complaint with the Minister within thirty days from the date of being notified of the rejection decision or from the date of considering his application rejected. The Minister shall decide on the complaint within thirty days from the date of its submission, and the lapse of thirty days from the date of the complaint being filed without the complainant being notified of the action taken on his complaint shall be considered as a rejection thereof.

Whoever has his complaint rejected, either expressly, or implicitly by not being answered, may appeal against the rejection order before the High Civil Court within no more than forty-five days from the date of being notified of the rejection decision or from the date of considering his complaint rejected.

3) In case the licensing application is approved, the Minister shall issue a license to establish the educational or training institution.

**Article - 8 -**

1) The license issued establishing a private educational or training institutions shall be considered personal, and it may not be assigned in favour of third parties except with the approval of the competent Ministry. A license should be renewed once every three years.

2) If the owner of an educational or training institution dies, the Ministry may transfer the license to his heirs. If the heirs or some of them do not comply with the conditions laid down in this Law, the Ministry may exempt them from the same, provided that the heirs or their guardians shall appoint a representative for them who has fulfilled such conditions.

**Article - 9 -**

A fee shall be charged for issuing the license to establish a private educational or training institution and for the renewal thereof, and an order by the Minister, after the approval of the Council of Ministers, shall be issued fixing this fee.

**Article - 10 -**

1) A private educational or training institution shall have independent headquarters fulfilling the hygienic, educational and occupational safety conditions and standards which shall be specified in an order to be issued by the Minister.

2) No building may be constructed or a private educational or training premises be used or new facilities added without the Ministry's approval.

3) The headquarters of a private educational or training institution may not be transferred without the Ministry's approval.

4) No hostel may be set up in a private educational or training institution before the Ministry's approval and in accordance with the conditions and requirements to be specified in this respect.

5) A private educational or training institution shall have a distinctive name after obtaining the Ministry's approval thereof.

**Article - 11 -**

A private educational or training institution shall have a manager in charge of all technical, administrative and financial affairs, in accordance with the following conditions:

1) He must have appropriate qualifications and experience as determined by the Minister.

2) He must be fully competent I reputed for his good conduct, and that no conviction has been issued against him in a felony or misdemeanour affecting his honour, integrity or public morals.

3) The Minister must have approved his appointment, and such approval should be renewed once every two years for non-Bahrainis.

4) He must be a full-time employee in the institution.

**Article - 12 -**

A private educational or training institution shall have a teaching or training staff, and the following conditions must be satisfied by whoever is employed as a teacher or instructor there in:

1) He must have the appropriate qualifications and experience as determined by the Minister.

2) He must enjoy his full legal qualifications, reputed for his good conduct, and that no conviction should have been issued against him in a felony or misdemeanour affecting his honour, integrity or public morals.

3) The Ministry must have approved his employment, and such approval should be renewed once every two years for non-Bahrainis.

**Article - 13 -**

A private educational institution, except for kindergartens, shall have a Board of Directors.  A private training institution may have a board of directors, and such board shall be composed and the terms of reference thereof shall be specified in accordance with the conditions and rules to be determined in an order to be issued by the Minister.

**Article - 14 -**

A private educational or training institution shall maintain the following:

1) A register to enter the names of its students of all stages and its trainees of all types of training and their levels and the degree of their educational and training qualifications. Such register shall include the name of the student or trainee and his sex, nationality, date of birth, religion, address and academic level.

2) A register of the daily attendance and absence of students and trainees.

3) A register of the students' and trainees' performance and personal remarks.

4) A register of all employees of the private educational or training institution, in which the name, sex nationality, date of birth, address, religion, social status, academic qualifications, academic experience, training courses, salary and nature of work shall be entered.

5) Personal files of students, trainees and all employees of the institution, which shall include personal documents, social status, copies of the CPR cards and the certificates issued to students and trainees.

6) A special file containing the license and other official documents issued by the Ministry or related to the institution.

7) A special register of the account of the private educational or training institution in which all revenues together with the sources thereof, in addition to the current expenditure during the academic or training year, the institution's assets and financial accounts, shall be entered.

8) Audited annual final accounts that include a balance sheet and profit and loss account.

9) Any other records or files that may be stipulated by the Ministry.

**Financial Rules for Private Educational and Training Institutions**

**Article - 15 -**

The revenues of private educational or training institutions shall consist of the following:

1) The prescribed tuition fees charged to students and trainees.

2) The prescribed tuition fees charged to students and trainees.

3) The institution's share of the revenue of the corporate entity to which it is affiliated.

4) Subsidies, gifts and donations accepted by the institution after securing the Ministry's approval thereof.

5) The proceeds of activities undertaken by the institution after securing the Ministry's approval thereof.

**Article - 16 -**

A private educational or training institution shall comply with the fees charged to students or trainees, as approved by the Ministry, and they may not be altered except after the approval of the concerned Ministry.

**Article - 17 -**

The revenues of a private educational or training institution shall be deposited with one of the commercial banks operating in the State of Bahrain in a special account in the institution's name.

**Article - 18 -**

Except for nursery schools, a private educational or training institution shall appoint a firm of auditors to examine its annual accounts, and it shall forward a copy of its audited annual accounts to the concerned Ministry.

**Academic Rules at Private Educational or Training Institutions**

**Article - 19 -**

1. A private educational or training institution may not effect any change or alteration to the prescribed educational or training curricula except after securing the Ministry's approval.

2. The Ministry shall change or suspend any curricula books or programmes that are inconsistent with the State's policy and the laws in force in the country and the implementing regulations thereof.

**Article - 20 -**

Books, bulletins, publications, programmes and the contents of libraries of a private educational or training institution shall not prejudice the religious, national, pan-Arab values and traditions of the country, nor shall they contain advertising or publicity material of a country that is hostile to or in a state of war with, the State of Bahrain.

**Article - 21 -**

Private national educational institutions shall observe the following:

1) Teach the prescribed curriculum used at government schools in Arabic language, Islamic education and humanities at the primary, intermediate and secondary levels.

2) The academic year shall not be less than 180 days.

**Article - 22 -**

A foreign private educational Institution shall comply with the curricula, books and hours approved by the Ministry in relation to the Arabic language syllabuses prescribed for Bahraini students and Arab students and in respect of Islamic religious culture for Muslim students if the institution, accepts them, and in respect of the History and Geography of the State of Bahrain for all students, as part of the school timetable and without changing additional tuition fees. The following should be complied with in determining such curricula:

A. Public interest and the interest of Arab, Muslim and foreign students in the State of Bahrain.

B. The system followed in evaluating academic achievement of students in the foregoing subjects.

C. Not allowing Muslim students to attend religious classes other than those of Islamic religion, and not allowing them to take part in activities associated with non-Islamic religious classes, such as sermons, guidance and prayers, in all educational levels.

**Article - 23 -**

A private educational institution for foreign communities shall comply with the following:

1. Give due regard to the national sovereignty of the State of Bahrain and comply with its laws and regulations.

2. Teach the educational curricula of the state to which its community belongs.

3. Admission therein shall be strictly restricted to the children of the community to which this institution is catering.

**Technical Supervision and Administrative Control of Private Educational or Training Institutions**

**Article - 24 -**

A private educational or training institution licensed in pursuance of this Law shall be subject to the control of the Ministry and its officers who are delegated to conduct inspection of such institutions by an order issued by the Minister, to monitor the implementation of the provisions of this Law and the implementing regulations thereof in the course of their duties to enforce this, they shall have the right to enter upon such institutions and shall have access to their books, registers and files.

**Article - 25 -**

The assets of all learning resource centres (or school library) of educational or training institutions, including books, records, publications, newspapers, manuscripts, pictures and audio-visual cassettes, shall be subject to the control of the Ministry in the accordance with the procedures it lays down, in order to ascertain that they are not inconsistent with religious, national and pan-Arab values and the traditions of the country.

**Article - 26 -**

The concerned Ministry shall supervise an educational or training institution to evaluate the educational or training service and to ascertain the standard of its performance.

**Article - 27 -**

A private educational or training institution must submit an annual report on its activities to the Ministry at the end of every year.

**Article - 28 -**

1. If it is proved to the Ministry that a private educational or training institution has violated any of the provisions of this Law or the implementing regulations thereof, or that it has committed an act that may be detrimental to the students or trainees, from a physical, social religious or financial aspect, the Ministry shall serve a warning on this institution of this violation, by a registered letter with a delivery note, asking the institution to remove such violation within ten days from the date of such notice.

2. If the institution persists in its violation or if it commits the violation again, the Minister shall issue an order placing the institution under the Ministry's supervision.

3. Placing the institution under the Ministry's supervision shall entail the owner to cease to have possession thereof and the Ministry shall carry out the functions required for the smooth running of the institution's business, including financial, administrative and technical matters, until the reasons for violation are removed and until its final status is decided upon, with the possibility of withdrawing the license granted thereto.

**Article - 29 -**

Without prejudice to any severer penalty prescribed in the Penal Code, or any other law, anyone who establishes or manages a private educational or training institution or its equivalent, without a license, shall be punishable by a fine of not less than five hundred dinars and no more than one thousand dinars and a judgment may be passed for the closure thereof.

**Article - 30 -**

Private educational or training institutions operating at the same time of this Law coming into force shall modify their affairs in accordance with the provisions of the law within no more than one year from the date of its coming into effect, failing which the Minster may issue an order for the closure thereof.

**Article - 31 -**

A license to establish a private educational institution shall undertake to provide a financial guarantee to the concerned Ministry, which shall be determined by an order to be issued by the Minister, subject to the Council of Minister's approval.

**Article - 32 -**

Legislative Decree No. (14) of 1985 regarding Private Educational and Training Institutions and any text contravening the provisions of this Law shall be repealed.

**Article - 33 -**

The Minister of Education and the Minister of Labour and Social Affairs shall issue the necessary decisions for implementing this Law.

**Article - 34 -**

The Ministers– each within his jurisdiction– shall implement this Law, and it shall come into force from the date of its publication in the Official Gazette.

**Amir of the State of Bahrain**

**Isa bin Salman Al Khalifa**

**Issued at Riffa Palace:**

**On 24 Shaaban 1419 A.H.**

**Corresponding to 13 December 1998**